

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

NIKERRAY MIDDLEBROOK,)	
)	
Petitioner,)	
)	
v.)	Civil Action No. 05-827-SLR
)	
THOMAS L. CARROLL,)	
Warden, and CARL C.)	
DANBERG, Attorney)	
General of the State of)	
Delaware,)	
)	
Respondents.)	

ORDER

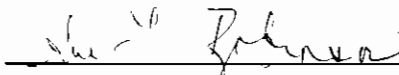
For the reasons set forth in the memorandum opinion issued this date, IT IS HEREBY ORDERED that:

1. Petitioner's motion to amend his habeas application is GRANTED in part and DENIED in part. (D.I. 21) The court grants petitioner's request to entirely delete claims one, two, and three from the application, as well as to delete portions of claim four (as explained in more detail in the text of the accompanying opinion). The court denies petitioner's request to add a claim of actual innocence as well as his request for DNA and ballistic testing.

2. Petitioner's amended application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 is DISMISSED, and the relief requested therein is DENIED. (D.I. 21)

3. The court declines to issue a certificate of appealability. See 28 U.S.C. § 2253(c)(2).

Dated: January 16 , 2007


UNITED STATES DISTRICT JUDGE